

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE DEVAULT-GRAVES AGENCY, LLC,)	
)	
Plaintiff)	
)	Civil Action No. 1:15-cv-00458-JL
v.)	
)	
COLLEEN M. SALINGER and MATTHEW R,)	
SALINGER, As Trustees of the J.D. SALINGER)	
LITERARY TRUST,)	
)	
Defendant)	
)	
)	

MOTION TO DISMISS

Defendants Colleen M. Salinger and Matthew R. Salinger, sued as Trustees of the J.D. Salinger Literary Trust (the “Trustees”), by their undersigned attorneys, respectfully move to dismiss the Amended Complaint, ECF Doc. No. 27, under Federal Rule of Civil Procedure 12(b)(6) and pursuant to the Court’s authority and discretion under the Declaratory Judgment Act, 28 U.S.C. § 2201(a). In support of this motion to dismiss, the Trustees offer the legal and factual grounds set forth in the attached Memorandum of Law in Support of Defendants’ Motion to Dismiss the Amended Complaint and the Declaration of Cynthia S. Arato, dated December 9, 2015.

Pursuant to LR 7.1(d) and this Court’s standing practice, the Trustees respectfully request that the Court hold a hearing on this motion to dismiss on the ground that oral argument will be helpful to address the complex issues raised by this motion to dismiss.

WHEREFORE, the Trustees respectfully request that the Court grant this motion to dismiss and enter an order dismissing the Amended Complaint with prejudice, and that the Court award the Trustees such other and further relief as the court deems just and proper.

December 9, 2015

Respectfully submitted,

RATH, YOUNG AND PIGNATELLI, P.C.

By: /s/ Michael S. Lewis (NH Bar # 16466)
1 Capital Plaza
Concord, New Hampshire 03301
Phone: (603) 226-2600
msl@rathlaw.com

Cynthia S. Arato
Daniel J. O'Neill
SHAPIRO ARATO LLP
500 Fifth Avenue, 40th Floor
New York, New York 10110
Telephone: (212) 257-4880
carato@shapiroarato.com
doneill@shapiroarato.com
Pro hac vice applications forthcoming

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2015, I caused a copy of this motion to dismiss, the accompanying supporting memorandum and Declaration of Cynthia S. Arato, as well as this Certificate of Service, to be served upon the following individuals as indicated below by virtue of transmitting the same to the court via its ECF filing system to:

Taylor A. Cates
Charles Silvestri Higgins
BUNCH, PORTER & JOHNSON, PLLC
130 North Court Ave.
Memphis, TN 38103
Phone: 901-524-5000
tacates@bpjlaw.com
chiggins@bpjlaw.com

Pro Hac Vice Attorneys to Be Noticed

December 9, 2015

By: /s/ Michael S. Lewis (N.H. Bar # 16466)